

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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**FISCAL IMPACT STATEMENT**

**LS 7345**

**BILL NUMBER:** HB 1202

**NOTE PREPARED:** Jan 8, 2013

**BILL AMENDED:**

**SUBJECT:** Lawn Fertilizers Containing Phosphorus.

**FIRST AUTHOR:** Rep. Errington

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** X GENERAL  
X DEDICATED  
FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** This bill requires distributors, retailers, and persons engaged in lawn care service who sell or offer for sale a fertilizer containing phosphorus for use on a lawn to make available certain information to the customer. It requires a person who is engaged in lawn care service to offer each customer a fertilizer product that does not contain phosphorus for use on the customer's lawn.

**Effective Date:** July 1, 2013.

**Explanation of State Expenditures:** *State Chemist:* Current statute (IC 15-16-2-49.5) provides that if a person violates the requirements of the bill, the State Chemist may: (1) warn, issue a citation to, or impose a civil penalty on the person; or (2) deny, suspend, revoke, or amend the person's registration. The civil penalty would be used to cover costs associated with oversight.

The bill also provides that retailers or distributors who sell fertilizers containing phosphorus provide certain consumer materials developed by the State Chemist. Purdue University, which houses the Office of the State Chemist, has several publications available online that address phosphorus fertilizer issues and best practices for lawn care.

**Explanation of State Revenues:** Current statute (IC 15-16-2-49.5) specifies that it is a Class A misdemeanor for knowingly or intentionally violating the chapter which would include the requirements of the bill. If additional court cases occur and fines are collected, revenue to both the Common School Fund (from fines) and the state General Fund (from court fees) would increase. The maximum fine for a Class A misdemeanor is \$5,000. However, any additional revenue would likely be small.

**Explanation of Local Expenditures:** A Class A misdemeanor is punishable by up to one year in jail.

**Explanation of Local Revenues:** If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from court fees. However, any change in revenue would likely be small.

**State Agencies Affected:** State Chemist.

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:** Purdue University, Turfgrass Science Publications,  
<http://www.agry.purdue.edu/turf/professional.html>.

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